

AT A MEETING OF THE CULPEPER COUNTY WATER AND SEWER AUTHORITY  
HELD IN THE BOARD ROOM, LOCATED AT 302 N. MAIN STREET, ON TUESDAY,  
AUGUST 2, 2005.

**Board Members Present:**

***John F. Coates, Chairman***  
***Steven E. Nixon, Vice-Chairman***  
William C. Chase, Jr.  
Sue D. Hansohn  
James C. Lee  
Brad C. Rosenberger  
Steven L. Walker

**Staff Present:**

Frank T. Bossio, County Administrator  
J. David Maddox, County Attorney  
John C. Egertson, Planning Director  
Paul Howard, Director of Environmental Services  
Peggy S. Crane, Deputy Clerk

**CALL TO ORDER**

Mr. Coates, Chairman, called the meeting of the Water and Sewer Authority to order at  
9:00 a.m.

**APPROVAL OF AGENDA**

Mr. Bossio asked that the following items be added to the agenda:

**CONSIDERATION OF WATER AND SEWER AUTHORITY BY-LAWS**

**ELECTION OF OFFICERS**

Mr. Nixon moved, seconded by Mrs. Hansohn, to approve the agenda as amended.

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

**APPROVAL OF MINUTES**

The minutes of April 5, 2005 Water and Sewer Authority meeting were presented for  
approval.

Mrs. Hansohn moved, seconded by Mr. Lee, to approve the minutes as presented.

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

**NEW BUSINESS**

## **CONSIDERATION OF REQUEST FOR PUBLIC HEARING ON RATES, RULES, AND REGULATIONS**

Mr. Howard distributed the latest version of the Water and Wastewater Rules, Regulations, Operational Procedures, Design Standards and Design details, and said the major subjects were broken down by volume and he would briefly review each volume. He said that since the Authority would not be adopting the rates until bids had been received on the Clevengers' Corner facility, there was no need to hold a public hearing. But, he recommended that the draft regulations be made available on the County website and to hold a public comment period on the draft regulations. After the public comment period, staff would review the comments and forward the comments to the Board of Supervisors for consideration at their September Board meeting. He said there were several cases pending before the Board where these regulations and standards would be helpful, and he encouraged the Board to adopt the draft regulations at their September meeting.

Mr. Howard further stated that the draft agreements for service had been removed from the Rules and Regulations and would be considered as a Board policy because if the agreements were included in the Rules and Regulations, they would have to be re-adopted whenever they were changed. The agreements were intended to be generic, but would give the developers an idea what the Authority expected.

Mr. Howard said that the Rules and Regulations were broken in five parts, and he reviewed the following volumes and explained the details of each volume:

**Part I – General Operating Rules and Policies** – This section provided rules and regulations for the Authority in accordance with the Water and sewer Authorities Act, and it outlined procedures for acquiring service from the Authority. Also, how to request service and extend service to undeveloped areas, and how the applications for service would be processed. Provided guidance on acquisition of new and existing facilities. The Authority may acquire existing systems and it would create a financial plan for the acquisition with the owner and Board. The Authority also reserved the right to impose usage and availability fee surcharges on specific areas to fund infrastructure improvements that directly benefit those particular customers; however, he recommended a unified rate structure for all authority customers. It addressed the oversizing policy – that the Authority would pay the “incremental cost” for oversizing as established in an oversizing agreement, and limited reimbursement to 10 years from connections that tied into the oversized infrastructure.

**Part 2 – Cross Connection Control Plan** - This section explained the policy regarding cross connection of water systems, which may pose a health risk due to contamination. Eliminated possible backflow conditions, based on Virginia Department of Health (VDH) guidelines. The Plan would be approved by VDH, but administered by the Authority.

**Part 3 – Pretreatment Regulations** - This section prevented introduction of pollutants into the waste stream, and permitted the Authority to issue special pretreatment permits to entities that may introduce pollutants into the waste stream, typically industrial users. It may be required for the discharger to pretreat their wastewater before discharging it to the sewer and to establish monitoring requirements.

**Part 4 – Developers Service Procedures** – This section explained in detail what developers would need to do to obtain water and sewer service from the Authority and how their applications for service would be handled.

**Part 5 – Rates Fees and Charges and Customer Service Policies** - This section outlined the fee to be paid and when due, and it also describes the process for setting up an account and initiating service, closing accounts, and how delinquencies were handled.

**Volume B – Water Distribution and Wastewater Collection System Design Standards** - The design standards followed the VDH format and were written as a supplement to the SCAT regulations and Office of Drinking Water regulations. They would be submitted to VDH and DEQ for approval so the Authority could review and approve own line projects. Pump station and plants would still have to go to VDH and DEQ for approval.

**Volume C – Water Distribution and Wastewater Collection Systems Details** - The engineering drawing details was based primarily on Prince William County.

**Volume D – Water Treatment Facilities Design Standards** – This section covered design standards for water treatment facilities that would be connected to the central system or stand-alone systems that the Authority may own and operate. These were written as a supplement to the VDH wasteworks regulations. The Authority would approve the design, and water treatment processes, and they were built at no cost to the Authority. The standards required storage for fire flow, which would raise the bar for small communities, but community systems would have to be further addressed in county ordinances and authority policies. The standards require, a hydrogeologic study and a 72-hour pump test, which exceed VDH requirements.

**Volume E – Wastewater Treatment Facilities Design Standards** - This section established minimum standards for free standing wastewater treatment facility that the Authority would

own or connect to an existing system. It reviewed various treatment processes, but required them to meet Limit of Technology (LOT) regardless of VPDES permit conditions.

**Volume F – Steel and Concrete Water Storage Tanks** - this section provided minimum standards for elevated storage tanks and restricted them to a pedosphere shape.

**Volume G – Contractor Construction Documents Based on Engineers Contract Documents** - Mr. Howard stated that this was a generic contract document that was solely a guide. Contractors and engineers were familiar with the terms and conditions and this was the one that the Authority would normally use for in-house construction projects. It was not an agreement that would be used between the Authority and a developer.

Mr. Howard asked for the Board's authority to place the Water and Wastewater Rules, Regulations, Operational Procedures, Design Standards and Design on the County's web site for public feedback and for the Board to adopt the regulations at their September meeting.

Mr. Nixon said that the Authority was asking the developer to put in the municipal systems and he felt that some of the requirements were pretty stringent and asked if there was a breakeven point on the design standards?

Mr. Howard replied there were two breakeven points; one for the initial capital investment to build the facility, and second the operating cost to run the system. The developer could recover his initial capital investment from the sale of the lots, but the customer base must support the operating expenses and future repair and maintenance with monthly rates

Mr. Nixon said it was his understanding that should the County take over a system, and if the design guidelines were in place, that system would already be in compliance with County standards. He noted that it would be the County's discretion whether or not to take over a system.

Mr. Howard said this is true, but the preference was for all new water and sewer systems to be publicly owned and operated.

Mrs. Hansohn moved, seconded by Mr. Nixon, that the Water and Wastewater Rules, Regulations, Operational Procedures, Design Standards, and Design be placed on the County's website for public comments.

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

The Board returned to the order of the amended agenda.

**CONSIDERATION OF WATER AND SEWER AUTHORITY BY-LAWS**

Mr. Howard said that the Authority had not adopted its by-laws that would govern the operations of the Authority and recommended to adopt a set of generic by-laws used by a number of authorities in the Commonwealth. He said that the Authority could act on the by-laws today or defer action until the September Board meeting. He reviewed the following by-laws with the Authority.

**Article I – Office** - Established the principal office of the Authority.

**Article II – Meetings of the Authority** – Established a meeting time and a place for the Authority and explained who could call a regular meeting or a special meeting and the public notice requirements.

**Article III – Officers** - Established the officers of the Authority and assigned responsibilities. The officers include a Chairman, vice-chairman, who were elected from the members of the Authority Board, and a secretary, and General Manager, who shall also serve as Treasurer.

**Article IV – Quorum** - Defined a quorum, which is a majority of the members present.

**Article V – Limits on Liability and Indemnification** - Limits the liability of Officers of the Authority if they conduct their business in accordance with statutory standards of conduct, and indemnifies Authority officers and agents if they conduct their business legally.

**Article VI – Rules of Procedure** Record all votes for and against each resolution.

**Article VII – Official Seal** – Create an official seal of the Authority embossed with the words “CULPEPER COUNTY WATER AND SEWER AUTHORITY”, with the incorporation date of July 6, 2001.

**Article VIII – Amendments** – The Authority Board can amend its by-laws provided appropriate notice was given.

Mr. Howard said the Authority could adopt the by-laws as presented or defer action until the September meeting.

Mrs. Hansohn moved, seconded by Mr. Nixon, to postpone voting on the by-laws for thirty (30) days.

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

Mr. Nixon asked Mr. Franklin exactly how was the Authority indemnified and to what extent. Mr. Franklin replied that the Authority was indemnified to the maximum as permitted by Virginia law. He said that the Authority was beginning to be organized as a corporate entity and because the Articles of Incorporation have not adopted, the Authority did not have any power. He recommended that the Authority adopt its by-laws and until the by-laws were adopted, nothing could happen. Mr. Maddox said that once the entity was up and operating, it could seek insurance just as any government agency could.

There was some discussion what constituted a majority. Mr. Nixon felt that Article IV needed to be more specific because it just stated a majority shall constitute a quorum, but it did not call how many were needed for a quorum. Mr. Franklin said that out of the 7-member Board, 4 members must vote in the affirmative for any action to be taken.

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

#### **ELECTION OF OFFICERS**

Mr. Nixon moved, seconded by Mrs. Hansohn, to postpone election of officers for thirty (30) days.

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

#### **CONSIDERATION OF AMENDMENT TO THE WATER AND SEWER AUTHORITY RESOLUTION**

Mr. Maddox stated that was already a resolution in place noting Mr. Southard, as Treasurer, but since Mr. Southard was no longer the Treasurer, he recommended to amend the resolution in place and replace Mr. Southard's name with Mr. DeJarnette's name so Mr. DeJarnette would be able to deal with the accounts and sign checks.

Mr. Nixon moved, seconded by Mr. Lee, to accept the amendment to the resolution and to substitute Mr. DeJarnette's name in lieu of Mr. Southard's name.

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

#### **ADJOURNMENT**

Mrs. Hansohn moved to adjourn the meeting at 9:30 a.m. Seconded by Mr. Lee.

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

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Peggy S. Crane, CMC  
Deputy Clerk

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John F. Coates, Chairman

ATTEST:

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Frank T. Bossio  
Clerk to the Board

APPROVED: September 6, 2005